

JFA



PATENT
Customer No. 22,852
Attorney Docket No. 05725.1308-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Grégrory PLOS et al. |) | |
| |) | |
| Application No.: 10/814,430 |) | Group Art Unit: 1751 |
| |) | |
| Filed: April 1, 2004 |) | Examiner: E. Elhilo |
| |) | |
| For: COMPOSITION FOR DYEING |) | |
| HUMAN KERATIN MATERIALS, |) | Confirmation No.: 5737 |
| COMPRISING AT LEAST ONE |) | |
| FLUORESCENT DYE AND AT |) | |
| LEAST ONE COMPOUND |) | |
| COMPRISING AN ACID |) | |
| FUNCTIONAL GROUP AND |) | |
| PROCESSES THEREFOR |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Office the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.
Copies of the U.S. patent applications are also not enclosed.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents.

1. **AT 302 534** - This document is believed to be related to U.S. Patent No. 3,658,985, listed on the attached Form PTO/SB/08.
2. **CH 487 231** - This document is believed to be related to GB Patent No. 1214394, submitted herewith.
3. **DE 33 133 32** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
4. **DE 100 29 441 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
5. **DE 101 41 683 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
6. **DE 101 48 844 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
7. **DE 196 46 804 A1** - This document is believed to be related to U.S. Patent No. 5,830,446, listed on the attached Form PTO/SB/08.
8. **DE 199 23 438 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

9. **DE 199 26 377 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

10. **EP 0 080 976 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

11. **EP 0 087 060** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

12. **EP 0 714 954 A2** - This document is believed to be related to U.S. Patent No. 5,708,151, listed on the attached Form PTO/SB/08.

13. **EP 0 808 150** - This document is believed to be related to U.S. Patent No. 6,109,577, listed on the attached Form PTO/SB/08.

14. **EP 0 815 828 B1** - This document is believed to be related to U.S. Patent No. 6,120,780, listed on the attached Form PTO/SB/08.

15. **EP 0 970 684** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0144741, listed on the attached Form PTO/SB/08.

16. **EP 1 023 891 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

17. **EP 1 099 437 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

18. **EP 1 132 076 A1** - This document is related to U.S. Patent Application

Publication Nos. 2001/0055580 A1 and 2002/0176836 A9, listed on the attached Form PTO/SB/08.

19. **EP 1 191 041 A2** - This document is believed to be related to U.S. Patent Application Publication No. 2002/0131941 A1, listed on the attached Form PTO/SB/08.

20. **FR 1,492,597** - This document is believed to be related to U.S. Patent No. 3,472,840, listed on the attached Form PTO/SB/08.

21. **FR 1,583,363** - This document is believed to be related to U.S. Patent No. 3,632,559, listed on the attached Form PTO/SB/08.

22. **FR 2,077,143** - This document is believed to be related to U.S. Patent No. 3,910,862, listed on the attached Form PTO/SB/08.

23. **FR 2,080,759** - This document is believed to be related to U.S. Patent No. 3,912,808, listed on the attached Form PTO/SB/08.

24. **FR 2,103,210** - This document is believed to be related to U.S. Patent No. 3,639,127, listed on the attached Form PTO/SB/08.

25. **FR 2,162,025** - This document is believed to be related to U.S. Patent Nos. 3,917,817 and 4,013,787, listed on the attached Form PTO/SB/08.

26. **FR 2,190,406** - This document is believed to be related to U.S. Patent Nos. 3,912,808 and 3,986,825, listed on the attached Form PTO/SB/08.

27. **FR 2,252,840** - This document is believed to be related to U.S. Patent

Nos. 4,172,887; 4,189,468; and 4,277,581, listed on the attached Form PTO/SB/08.

28. **FR 2,270,846** - This document is believed to be related to U.S. Patent Nos. 4,217,914; 4,422,853; 4,948,579; and 5,196,189, listed on the attached Form PTO/SB/08.

29. **FR 2,280,361** - This document is believed to be related to U.S. Patent No. 4,013,787, listed on the attached Form PTO/SB/08.

30. **FR 2,316,271** - This document is believed to be related to U.S. Patent Nos. 4,197,865; 4,381,919; and 4,608,250, listed on the attached Form PTO/SB/08.

31. **FR 2,320,330** - This document is believed to be related to U.S. Patent Nos. 4,075,136 and 4,166,894, listed on the attached Form PTO/SB/08.

32. **FR 2,336,434** - This document is believed to be related to U.K. Patent No. GB 1,546,809, submitted herewith.

33. **FR 2,368,508** - This document is believed to be related to U.S. Patent Nos. 4,189,468 and 4,277,581, listed on the attached Form PTO/SB/08.

34. **FR 2,383,660** - This document is believed to be related to U.S. Patent Nos. 4,240,450; 4,445,521; 4,719,099; and 5,009,880, listed on the attached Form PTO/SB/08.

35. **FR 2,393,573** - This document is believed to be related to U.S. Patent Nos. 4,165,367 and 4,223,009, listed on the attached Form PTO/SB/08.

36. **FR 2,411,219** - This document is believed to be related to U.S. Patent No. 4,256,458, listed on the attached Form PTO/SB/08.
37. **FR 2,416,723** - This document is believed to be related to U.S. Patent No. 4,237,243, listed on the attached Form PTO/SB/08.
38. **FR 2,470,596** - This document is believed to be related to U.S. Patent Nos. 4,996,059 and 5,958,392, listed on the attached Form PTO/SB/08.
39. **FR 2,505,348** - This document is believed to be related to U.S. Patent No. 4,761,273, listed on the attached Form PTO/SB/08.
40. **FR 2,519,863** - This document is believed to be related to U.S. Patent Nos. 5,089,252 and 5,139,037, listed on the attached Form PTO/SB/08.
41. **FR 2,542,997** - This document is believed to be related to U.S. Patent No. 4,591,610, listed on the attached Form PTO/SB/08.
42. **FR 2 586 913** - This document is believed to be related to U.S. Patent No. 4,823,985, listed on the attached Form PTO/SB/08.
43. **FR 2 589 476** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
44. **FR 2,598,611** - This document is believed to be related to U.S. Patent No. 4,839,166, listed on the attached Form PTO/SB/08.
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5,792,221, listed on the attached Form PTO/SB/08.

46. **FR 2,741,261** - This document is believed to be related to U.S. Patent No. 5,830,446, listed on the attached Form PTO/SB/08.

47. **FR 2,773,864** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

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49. **FR 2,800,612** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

50. **FR 2,811,993** - This document is believed to be related to U.S. Patent Application Publication Nos. 2004/0141943 A1 and 2004/0124079 A1, listed on the attached Form PTO/SB/08

51. **FR 2,820,032** - This document is believed to be related to U.S. Patent Application Publication No. 2004/0205901, listed on the attached Form PTO/SB/08.

52. **FR 2,830,189** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0028301, listed on the attached Form PTO/SB/08.

53. **JP 48-17362** - This document is believed to be related to U.S. Patent No. 3,658,985, listed on the attached Form PTO/SB/08.

54. **JP 54-86521** - This document is believe to be related to U.S. Patent No.

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55. **JP 2-200612** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

56. **JP 6-128128** - This document is believed to be related to U.S. Patent No. 5,356,438, listed on the attached Form PTO/SB/08.

57. **JP 6-183935** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

58. **JP 6-227954** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

59. **JP 8-183716** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

60. **JP 8-208448** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

61. **JP 8-259426** - This document is believed to be related to U.S. Patent No. 5,635,461, listed on the attached Form PTO/SB/08.

62. **JP 10-236929** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

63. **JP 11-21214** - This document is believed to be related to U.S. Patent No. 4,961,925, listed on the attached Form PTO/SB/08. An English language abstract is

also submitted herewith.

64. **JP 11-60453** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

65. **JP 11-343218** - This document is believed to be related to U.S. Patent Application Publication Nos. 2002/046432 A1, 2003/019053 A9, and 2004/0148711 A1, listed on the attached Form PTO/SB/08.

66. **JP 2000-001417** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

67. **JP 2000-86472** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

68. **JP 2000-505841** - This document is believed to be related to U.S. Patent No. 6,712,861 B2 and U.S. Patent Application Publication Nos. 2002/0004956 A1 and 2003/0000023 A9, listed on the attached Form PTO/SB/08.

69. **JP 2001-172120** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is also related to EP 1,099,437, submitted herewith.

70. **JP 2001-226217** - This document is believed to be related to U.S. Patent Application Publication No. 2001/0031270 A1, listed on the attached Form PTO/SB/08.

71. **JP 2001-261534** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

72. **JP 2001-261536** - This document is believed to be related to U.S. Patent No. 6,592,630 and U.S. Patent Application Publication No. 2001/005426, listed on the attached Form PTO/SB/08.

73. **JP 2001-294519** - An abstract of the disclosure of this document can be found in the English language Japio Abstract, submitted herewith.

74. **JP 2001-516701** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

75. **JP 2001-516706** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

76. **JP 2001-516707** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

77. **JP 2002-12523** - This document is believed to be related to U.S. Patent No. 6,475,248 and U.S. Patent Application Publication No. 2002/026676, listed on the attached Form PTO/SB/08.

78. **JP 2002-12530** - This document is believed to be related to U.S. Patent No. 6,616,709 and U.S. Patent Application Publication No. 2002/0088063, listed on the attached Form PTO/SB/08.

79. **JP 2002-226338** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

80. **JP 2002-249419** - An abstract of the disclosure of this document can be

found in the English language Derwent Abstract, submitted herewith.

81. **JP 2003-55177** - This document is believed to be related to U.S. Patent Application Publication No. 2003/0074747 A1, listed on the attached Form PTO/SB/08.

82. **JP 2004-59468** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

83. **WO 93/11103** - This document is believed to be related to the U.S. Patent No. 5,833,997, listed on the attached Form PTO/SB/08.

84. **WO 97/18795**: This document is believed to be related to U.S. Patent No. 6,106,577, listed on the attached Form PTO/SB/08.

85. **WO 99/12846** - This document is believed to be related to the U.S. Patent No. 5,873,494, listed on the attached Form PTO/SB/08.

86. **WO 01/62759 A1** - This document is believed to be related to U.S. Patent Application Publication No. 2003/055268, listed on the attached Form PTO/SB/08.

87. **WO 01/78669** - This document is believed to be related to U.S. Patent Application Publication No. 2003/131424, listed on the attached Form PTO/SB/08.

88. **WO 02/32386 A2** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.

89. **WO 02/38115 A1** - The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to

be related to U.S. Patent Application Publication No. 2004/0019981 A1, listed on the attached Form PTO/SB/08.

90. **WO 02/39964 A1** - The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to U.S. Patent Application Publication No. 2004/037796 A1, listed on the attached Form PTO/SB/08.

91. **WO 02/45673** - The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to U.S. Patent Application Publication No. 2004/0049860 A1, listed on the attached Form PTO/SB/08.

92. **WO 02/058646 A1** - The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to U.S. Patent Application Publication No. 2002/0205901 A1, listed on the attached Form PTO/SB/08.

93. **WO 02/058647 A1** - The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to the U.S. Patent Application Publication No. 2004/0205901 A1, listed on the attached Form PTO/SB/08.

94. **WO 03/022232 A2** - The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to the U.S. Patent Application Publication No. 2004/0034945 A1,

listed on the attached Form PTO/SB/08.

95. **WO 03/028685 A1** - The English language abstract of the disclosure of this document can be found on the front of this document. Also this document is believed to be related to the U.S. Patent Application Publication No. 2005/0028301 A1, listed on the attached Form PTO/SB/08.

96. **Science Des Traitements Capillaires** by Charles Zviak, 1988, published by Masson, pp. 215 and 278 - The English translation of this disclosure can be found in Charles Zviak, "The Science of Hair Care," vol. 7, pp. 215 and 278 (1986).

97. Yuki Kagoubutsu Jilen (**Dictionary of Organic Compounds**), Kodansha Ltd., August 10, 2002, p. 908 - This document was cited by the Japanese Patent Office in the counterpart patent application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.


Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 3, 2006

By: 
Erin C. DeCarlo
Reg. No. 51,688

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

| | |
|------------------------|------------------|
| Application Number | 10/814,430 |
| Filing Date | April 1, 2004 |
| First Named Inventor | Grégory PLOS |
| Art Unit | 1751 |
| Examiner Name | E. Elhilo |
| Attorney Docket Number | 05725.1308-00000 |

Sheet 1 of 13

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

| Examiner Initials | Cite No. | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|-------------|-----------------------------|--|--|---|
| | | Number-Kind Code (if known) | | | |
| | 1 | US 2,261,002 | 10/28/1941 | Ritter | |
| | 2 | US 2,271,378 | 01/27/1942 | Searle | |
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| | 28 | US 4,001,432 | 01/04/1977 | Green et al. | |
| Examiner Signature | | | | Date Considered | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|--|---|----|----|-------------------------------|------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | <i>Application Number</i> | 10/814,430 |
| | | | | <i>Filing Date</i> | April 1, 2004 |
| | | | | <i>First Named Inventor</i> | Grégory PLOS |
| | | | | <i>Art Unit</i> | 1751 |
| | | | | <i>Examiner Name</i> | E. Elhilo |
| Sheet | 2 | of | 13 | <i>Attorney Docket Number</i> | 05725.1308-00000 |

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| | 29 | US 4,005,193 | 01/25/1977 | Green et al. | |
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| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | | | |
|--|---|----|----|-------------------------------|------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | <i>Application Number</i> | 10/814,430 |
| | | | | <i>Filing Date</i> | April 1, 2004 |
| | | | | <i>First Named Inventor</i> | Grégory PLOS |
| | | | | <i>Art Unit</i> | 1751 |
| | | | | <i>Examiner Name</i> | E. Elhilo |
| Sheet | 3 | of | 13 | <i>Attorney Docket Number</i> | 05725.1308-00000 |

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| | | | | <i>Examiner Name</i> | E. Elhilo |
| Sheet | 4 | of | 13 | <i>Attorney Docket Number</i> | 05725.1308-00000 |

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | Application Number | 10/814,430 | |
| | | | Filing Date | April 1, 2004 | |
| | | | First Named Inventor | Grégory PLOS | |
| | | | Art Unit | 1751 | |
| | | | Examiner Name | E. Elhilo | |
| Sheet | 11 | of | 13 | Attorney Docket Number | 05725.1308-00000 |

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| | | | First Named Inventor | Grégory PLOS | |
| | | | Art Unit | 1751 | |
| | | | Examiner Name | E. Elhilo | |
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| | | | | First Named Inventor | Grégory PLOS |
| | | | | Art Unit | 1751 |
| | | | | Examiner Name | E. Elhilo |
| Sheet | 13 | of | 13 | Attorney Docket Number | 05725.1308-00000 |

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